

**REMARKS**

Favorable reconsideration of the application in view of the following amendments and remarks, is respectfully requested. Claims 1, 5, 6, 11 and 12 are currently pending in the application. Claims 2-4 and 7-10 were previously cancelled. No claim has been amended as part of this response.

***Claim Rejections - 35 U.S.C. § 102***

**Claims 1, 5 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Usuki et al (JP 2003-272121, hereinafter “Usuki”).** This rejection is traversed for at least the following reasons.

**Claim 1**

Claim 1 requires, *inter alia*, the content of the SiO<sub>2</sub> in said ferromagnetic layer being 6at% or more.

**Usuki**

Usuki discloses a magnetic recording medium comprising a ferromagnetic metal alloy which contains cobalt in at least one field of a base material wherein the first magnetic layer that comprised a non-magnetic metal oxide and the second magnetic layer that consists of a rare earth transition metal are stacked in this order. See paragraph [0007].

In addition, Usuki discloses that the mixing ratio of the ferromagnetic metal alloy and the non-magnetic metal oxide is in the range of 95:5 - 80:20 (metal atom ratio). See paragraph [0012]. In other words, Usuki discloses that the amount of SiO<sub>2</sub> present in ferromagnetic layer is a function of the ***number of metal atoms*** present in the layer.

In contrast, according to the present invention, the amount of SiO<sub>2</sub> present in the ferromagnetic layer is a function of the *total atoms present*, both metal and non-metal. Thus, in Usuki, there is no description that the ferromagnetic layer contains SiO<sub>2</sub> in an amount based on the total number of atoms in the layer. Claims 5 and 11 should also be allowable due to their dependency from Claim 1.

***Claim Rejections - 35 U.S.C. § 103***

**Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Usuki et al (JP 2003-272121, hereinafter “Usuki”).** This rejection is traversed for at least the following reasons.

Turning next to the rejection of Claims 6 and 12, the rejection should be withdrawn because there is no suggestion, either from the description in the prior art or from the knowledge of an artisan, to provide a ferromagnetic layer having the amount of SiO<sub>2</sub> present in the ferromagnetic layer is a function of the total atoms present, metal and non-metal, as claimed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Stuart S. Levy/  
Stuart S. Levy  
Registration No. 61,474

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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